



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 5.1.4	Subject: FORCED LABOR
Chapter 5: OFFENDER PROGRAMS	Page 1 of 3
Section 1: Work Programs	Effective Date: 03/12/01
Signature: /s/ Mike Ferriter, Director	Revised: 05/22/12

I. POLICY

It is the policy of the Department of Corrections to allow adult secure care facilities to implement forced labor programs requiring offenders to work without compensation.

II. APPLICABILITY

All Department-owned and contracted adult secure care facilities, as specified in contract.

III. DEFINITIONS

Department Employee - Means a person employed by the Department of Corrections. This term does not include service providers.

Direct Supervision – Method of inmate management that ensures continual direct contact between inmates and staff by posting staff in the inmate living area with a heavy reliance on personal interaction for inmate supervision.

Forced Labor - A program under which adult offenders are required to perform manual labor tasks under direct supervision and without compensation.

IV. DEPARTMENT DIRECTIVES

A. Screening and Identifying Offenders for Forced Labor Programs

1. Facility health care units will ensure an staff complete an offender health assessment in compliance with [DOC 4.5.14 Offender Health Assessments](#) and will develop a list of offenders medically cleared for involvement in a forced labor program.
2. The target population for participation in a forced labor program includes offenders who have been:
 - a. sent to a facility for a parole violation or failure to succeed in a pre-release or Treasure State Correctional Training Center;
 - b. sanctioned to a forced labor program as a consequence of a disciplinary infraction(s); and
 - c. medically cleared to participate.
3. Offenders who do not comply with court ordered or recommended treatment programs may be assigned to a forced labor program.
4. Offenders with escape or walk-away histories may not be assigned to forced labor crews working outside of the secure perimeter of a facility.

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5. Under no circumstances shall offenders assigned to locked housing units be eligible for the Forced Labor Program.

B. Working Hours

1. Department employees will schedule forced labor crews in cooperation with the chief of security/shift commander, or designee.
2. Work hours will be assigned based on institutional need, the nature of the offense, and/or the severity of the conduct or rule infraction.
3. Department employees and/or the hearings officer(s) must dictate the number of hours each offender will work at the time of assignment to a forced labor program.
4. Offenders assigned to a forced labor program shall work a minimum of 20 and no more than 40 hours per week and will not work more than eight hours in a 24-hour period.
5. Disciplinary sanctions to a forced labor program must not exceed 40 hours per violation.

C. Working Conditions

1. The chief of security/shift commander, or designee, will authorize, in writing, appropriate security clearance specific to all work areas.
2. All work must be manual labor, with limited use of power equipment; and requires constant direct supervision of offenders by Department employees.
3. Offenders may be restrained while working, in accordance with facility operational procedures and [*DOC Policy 3.1.8, Use of Force and Restraints*](#).
4. Offenders may be pat searched and/or strip-searched before leaving or returning to assigned housing units in accordance with [*DOC Policy 3.1.17, Searches and Contraband Control*](#).

D. Participation in Forced Labor

1. An offender may be removed from a forced labor program for any of the following:
 - a. the offender is reassigned;
 - b. the offender enters a court ordered or recommended treatment program complies with the program requirements;
 - c. the offender is removed by medical staff for medical reasons;
 - d. the offender completes the number of hours given as disciplinary sanction; and/or
 - e. the offender maintains a classification precluding participation.

E. Custody Levels

1. Forced labor participants must be classified prior to assignment outside of the secure perimeter of the facility. Offenders who are not classified may only be assigned work inside the secure perimeter. Work assignments will be consistent with local facility supervision and classification policies.

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F. Supervision of the Forced Labor Program

1. Supervisory staff must be equipped with hand held radios and handcuffs while supervising forced labor participants.
2. Counts must be conducted at regularly scheduled times and Department employees must report all counts to the main facility. Forced labor offenders may be placed on the out count.
3. Any offender who refuses to work may be subject to disciplinary action.
4. Forced labor crews must not exceed 15 offenders and there must be at least one supervisor for every five offenders.

V. CLOSING

Any questions concerning this policy should be addressed to chief of security/shift commander.

VI. REFERENCES

- A. [2-15-112](#), MCA; [53-1-203](#), MCA; [53-30-132](#), MCA
- B. DOC Policies [3.1.8](#), Use of Force and Restraints; [3.1.17](#), Searches and Contraband Control; [4.2.1](#), Offender Classification System; [4.5.14](#), Offender Health Assessments

VII. ATTACHMENTS

None